

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

RAFAEL A. JONES, SR.,)	
)	
Petitioner,)	
)	
v.)	No. 4:12CV569 CDP
)	
JEFF NORMAN,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before the Court on petitioner's submission of a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The petition will be summarily dismissed.

Petitioner was convicted on two counts of felony non-support. See State v. Jones, 07SL-CR06638-01 (21st Judicial Circuit). Petitioner was given a suspended imposition of sentence and was placed on parole. Petitioner subsequently violated parole, and on July 29, 2010, the court sentenced petitioner to three years' imprisonment.

On July 26, 2011, petitioner filed a federal habeas petition challenging the above conviction and sentence. Jones v. Prudden, 4:11CV1310 LMB (E.D. Mo.). That petition is still pending. On December 30, 2011, petitioner filed a second habeas

petition challenging the above sentence, which the Court summarily dismissed. Jones v. Missouri, 4:11CV2257 NAB (E.D. Mo.).

In the instant petition, petitioner argues that his ex-wife “kidnapped” their child, and therefore, he should not be liable for child support. The petition also contains a Fourth Amendment claim and a claim that he has not had access to a law library while in prison.

Rule 4 of the Rules Governing § 2254 Cases in the United States District Courts provides that a district court shall summarily dismiss a § 2254 petition if it plainly appears that the petitioner is not entitled to relief.

The petition is successive because petitioner previously filed a habeas action challenging the same sentence. See 28 U.S.C. § 2244(b). As a result, petitioner may not obtain relief on the petition without authorization to proceed from the Eighth Circuit Court of Appeals, which he does not have. Id. Moreover, none of the grounds raised in the petition are cognizable in federal habeas corpus proceedings.

For these reasons, the petition will be dismissed. Furthermore, petitioner has failed to make a substantial showing of the denial of a constitutional right, which requires a demonstration “that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right.” Khaimov v. Crist,


297 F.3d 783, 785 (8th Cir. 2002) (quotation omitted). Thus, the Court will not issue a certificate of appealability. 28 U.S.C. § 2253(c).

Accordingly,

IT IS HEREBY ORDERED that petitioner's petition for writ of habeas corpus is **DISMISSED**.

IT IS FURTHER ORDERED that petitioner shall pay the \$5 filing fee within thirty (30) days of the date of this Memorandum and Order.

Dated this 11th day of April, 2012.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE